

Summary of Public Records Policy

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council established the Public Records Policy to ensure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

The Public Records Policy states that a “‘Public record’ includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office.” All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code. The Policy further states that an “‘Electronic record’ includes prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications, including but not limited to electronic mail and text messages.”

All public offices within the scope of the Policy must organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County. Additionally, the Policy necessitates the maintenance of electronic mail in accordance with records retention schedules and that all public record electronic mail sent or received outside of the County Department of Information Technology system be maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

The County Archivist is designated as the Countywide Public Records Manager and has been given various responsibilities including, but not limited to, managing the public records of Cuyahoga County to ensure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.

The County Executive has designated one employee of his staff as Deputy Countywide Public Records Manager who assists the Countywide Public Records Manager in the performance of his/her duties. The Deputy Countywide Public Records Manager maintains and administers a public records request log as provided for in the Policy and serves as the public records manager for the County Executive's office.

Each public office has a designated public records manager who is responsible for the maintenance of the public records for that office and for handling public records requests directed to that office. A listing of designated public records managers can be found on the Cuyahoga County Council and County Executive websites. The Clerk of Council is designated as public records manager for Cuyahoga County Council.

Each public office must have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. Additionally, a poster describing the public records policy of a particular office, how to obtain public records and naming the public records manager for that office must be conspicuously displayed at each office.

The County must maintain a readily accessible website, which includes separate pages for the County Executive, the County Council and each department in County government. The County Executive and the Clerk of County Council shall ensure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all public meetings conducted by offices within the scope of the Policy and instructions on how to obtain public records.

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records. The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with expeditiously, the public office shall provide the requestor a receipt acknowledging and describing the public records request and may provide an estimate as to when the production can be provided. An oral response shall satisfy the requirement of a receipt when the requestor does not provide an email or postal address. If a public records request is denied, in part or in whole, the public office shall provide the requestor with an explanation for the denial as provided for in Section 149.43(B)(3) of the Ohio Revised Code.

Unless otherwise provided in the Policy, persons requesting copies of public records shall be required to pay for the cost of copies and/or delivery or transmission of public records. No charge for public records shall exceed the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requestor, except as otherwise provided by court order or law.

Except as otherwise provided by court order or law, the copying costs for public records shall not exceed the following rates:

1. The charge for paper copies shall not exceed \$0.03 per page. The charge for paper copies shall be waived when the total cost of copying is less than \$1.00.
2. The charge for electronic copies provided on a compact disc, USB flash drive, or other data storage device shall not exceed \$1.00 per gigabyte of storage space available on the device.
3. There shall be no charge for electronic copies provided via email, facsimile, or other electronic transmission; provided, however, that a public office may charge up to \$0.03 per page when it is necessary to copy or print records for the purpose of redaction.

A public office may require payment in advance, or may waive copying and delivery costs when it determines it is cost-effective to do so, provided that the public office follows a consistent policy for all requests.

All elected public officials and public records managers must attend training on public records policy approved by the Ohio Attorney General, as provided for in Section 109.43 of the Ohio Revised Code.

Finally, the Policy created the County Records Commission and provides for the appointment of designees to the Commission, establishes the powers and duties of the Commission, establishes the rules and procedures of the Commission, determines meetings and specifies the length of time to act on records disposal requests and records retention schedules.